

# EXHIBIT “A”

**IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

**JULES OUEMBE,**

**Plaintiff,**

**v.**

**NEWREZ, LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING and  
AMERICAN STRATEGIC INSURANCE  
CORP.,**

**Defendants.**

**CIVIL ACTION FILE NO.**

**23-C-00158-S4**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR BREACH OF CONTRACT**

COMES NOW, JULES OUEMBE (hereinafter referred to as "Plaintiff") by and through his undersigned counsel, and files this Complaint for Damages against Defendants, NEWREZ, LLC D/B/A SHELLPOINT MORTGAGE SERVICING and AMERICAN STRATEGIC INSURANCE CORP., (hereinafter referred to as "Defendant Shellpoint Mortgage" and "Defendant American Strategic Insurance") and respectfully shows this Honorable Court as follows:

**THE PARTIES**

1.

Plaintiff is, and at all times material to this action, a resident of the State of Georgia.

2.

Defendant Shellpoint Mortgage is a foreign limited liability company, which is authorized to transact business in Georgia. Defendant Shellpoint Mortgage may be served with a Summons and Complaint via its Registered Agent, Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.

3.

Defendant American Strategic Insurance is a foreign insurance company, which is authorized to transact business in Georgia. Defendant American Strategic Insurance may be served with a Summons and Complaint via its Registered Agent, Corporate Creations Network, Inc., 2985 Gordy Parkway, 1<sup>st</sup> Floor, Marietta, GA 30066.

4.

Venue as to Defendants is proper in this Court because such Defendants has transacted business within the state of Georgia and within the venue of this Court and currently transact business within the state of Georgia and within the venue of this Court.

### **FACTUAL BACKGROUND**

5.

In or around 2021, Plaintiff purchased a house and real property located at 2658 Bateleur Court, Grayson, GA 30017 (hereinafter referred to as “the property”).

6.

In connection with the purchase of his property, Plaintiff received a mortgage loan from Defendant Shellpoint.

7.

Through Defendant Shellpoint Mortgage, Plaintiff obtained homeowner’s insurance for the subject property with American Strategic Insurance.

8.

Plaintiff's \$2,524.66 monthly mortgage payment to Defendant Shellpoint includes \$209.04 for payment toward Plaintiff's homeowners' insurance policy through American Strategic Insurance. Defendant Shellpoint had the responsibility to pay American Strategic Insurance directly each month for Plaintiff's homeowner's insurance.

9.

On November 12, 2022, Plaintiff's property was substantially damaged by fire.

10.

Plaintiff promptly and timely reported the fire loss to the property to Defendant American Strategic Insurance.

11.

Plaintiff was then notified by Defendant American Strategic Insurance that Plaintiff's homeowner's insurance policy was not in effect on the day of loss. Defendant American Strategic Insurance, therefore, denied any insurance coverage for Plaintiff's loss.

**BREACH OF CONTRACT**

12.

Plaintiff re-alleges and incorporates paragraphs one through 11 of this Complaint as if fully set forth herein.

13.

Defendant Shellpoint received timely mortgage payments in full from Plaintiff which included payment toward Plaintiff's homeowner's insurance through American Strategic Insurance. Defendant Shellpoint had the responsibility to pay Defendant American Strategic

Insurance directly each month for Plaintiff's homeowner's insurance.

14.

Plaintiff complied with all the terms of the mortgage agreement, including making payments on time every month, and was unaware that his homeowner's insurance policy was not in effect on the date of loss.

15.

Defendant Shellpoint failed to uphold its duty to pay for Plaintiff's homeowner's insurance. As a result, Defendant American Strategic Insurance denied coverage for Plaintiff's loss.

16.

By failing to pay Plaintiff's homeowner's insurance with the funds received from Plaintiff every month, Defendant Shellpoint has breached its contract with Plaintiff.

17.

Accordingly, Defendants should be liable to pay for Plaintiff's losses and damages stemming from the fire loss to the property.

WHEREFORE, Plaintiff respectfully prays for relief from this Court as follows:

- (a) That Plaintiff have a trial by jury on all issues;
- (b) That this Court enter judgment in favor of Plaintiff and against Defendants, jointly and severally, on all Counts of this Complaint;
- (c) That Plaintiff be awarded damages from Defendants, jointly and severally, in the amount of all his direct and consequential losses caused by the fire referred to in this Complaint

and which should be covered by American Strategic insurance policy as outlined in this Complaint in such amounts as may be proven at trial;

(d) That Plaintiff be awarded general compensatory damages against the Defendant(s);

(e) That this Court provide Plaintiff with such other and further relief as it deems just, equitable and proper.

Respectfully submitted this 10<sup>th</sup> day of January 2023.

PEARSON LAW GROUP, LLC  
16 Towne Park Drive  
Lawrenceville, GA 30044  
(770) 277-0272 (Telephone)  
(770) 277-0273 (Facsimile)  
plg@pearsonlawgroup.com

/s/Romero Pearson  
Romero Pearson  
Georgia Bar No. 355228  
Attorney for Plaintiff

## General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Gwinnett State Court County

For Clerk Use Only

23-C-00158-S4

Date Filed \_\_\_\_\_  
MM-DD-YYYY

Case Number \_\_\_\_\_

## Plaintiff(s)

Ouembe, Jules

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

## Defendant(s)

Newrez, LLC d/b/a/ Shellpoint Mortgage Servicing

Last First Middle I. Suffix Prefix

American Strategic Insurance Corp.

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Romero PearsonState Bar Number 355228Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

## General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☒ Other General Civil

## Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**JULES OUEMBE**

23-C-00158-S4

CIVIL ACTION

NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**NEWREZ, LLC D/B/A SHELLPOINT**

**MORTGAGE SERVICING and American**

**STRATEGIC INSURANCE CORP.**

DEFENDANT

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT:**

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

PEARSON LAW GROUP, LLC  
16 TOWNE PARK DRIVE  
LAWRENCEVILLE, GEORGIA 30044

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.  
10th day of January, 2023

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Tiana P. Garner  
Clerk of State Court

By \_\_\_\_\_  
Deputy Clerk

**INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.**



## SHERIFF'S ENTRY OF SERVICE

Civil Action No. 23-C-00158-54Date Filed 1/10/2023

Attorney's Address

**Pearson Law Group, LLC**  
**16 Towne Park Drive**  
**Lawrenceville, GA 30044**

Name and Address of Party to Served

**NEWREZ, LLC d/b/a ShellPoint Mortgage Servicing**  
**Registered Agent: Corporation Service Company**  
**2 Sun Court, Suite 400, Peachtree Corners,**  
**Georgia, 30092**

## SHERIFF'S ENTRY OF SERVICE

## PERSONAL

I have this day served the defendant \_\_\_\_\_  
 of the within action and summons.

## NOTORIOUS

I have this day served the defendant \_\_\_\_\_ by leaving a  
 copy of the action and summons at his most notorious place abode in this County.

Delivered same into hands of \_\_\_\_\_ described as follows:  
 age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of  
 defendant.

## CORPORATION

Served the defendant **NEWREZ, LLC d/b/a ShellPoint Mortgage Servicing** a corporation

by leaving a copy of the within action and summons with **Alisha Smith**  
 In charge of the office and place of doing business of said Corporation in this County.

## TACK &amp; MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises  
 designated in said affidavit and on the same day of such posting by depositing a true copy of same in the United States Mail, First class in an  
 envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice  
 to the defendant(s) to answer said summons at the place stated in the summons.

## NON EST

Diligent search made and defendant \_\_\_\_\_  
 not to be found in the jurisdiction of this Court.

This 24 day of January, 2023

DEPUTY

Superior Court ☐ Magistrate Court ☐  
 State Court ☒ Probate Court ☐  
 Juvenile Court ☐

Georgia, Gwinnett COUNTYJules Ouembe

Plaintiff

VS.

**NEWREZ, LLC d/b/a ShellPoint**  
**Mortgage Servicing & American**  
**Strategic Insurance** Defendant

RECEIVED  
 2023 JAN 23 P 1:08  
 CIVIL  
 G.C.S.D.  
 Garnishee  
 personally with a copy

FILED IN OFFICE  
 CLERK STATE COURT  
 GWINNETT COUNTY GA  
 2023 JAN 27 AM 9:06  
 TIANA L. GARNER, CLERK

J. Williams S01139

1/31/2023 7:57 AM

TIANA P. GARNER, CLERK

SHERIFF'S ENTRY OF SERVICE

KEEP

B / 494 E

Civil Action No. 23-C-00158-S4Superior Court ☐Magistrate Court ☐State Court ☒Probate Court ☐Juvenile Court ☐Date Filed 1/10/2023Georgia, Gwinnett COUNTY

Attorney's Address

Jules OumbePearson Law Group, LLC16 Towne Park DriveLawrenceville, GA 30044

Plaintiff

VS.

Name and Address of Party to Served

American Strategic Insurance Corp.  
Registered Agent: Corporate Creations Network  
2985 Gordy Parkway, 1st Floor,  
Manhasset, GA 30066Nenrez, LLC d/b/a Shellpoint  
Mortgage Servicing & American  
Strategic Insurance  
Defendant

Garnishee

## SHERIFF'S ENTRY OF SERVICE

## PERSONAL

☐ I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

## NOTORIOUS

I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place abode in this County.

☐ Delivered same into hands of \_\_\_\_\_ described as follows: age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of defendant.

## CORPORATION

Served the defendant American Strategic Insurance Co. a corporation☒ by leaving a copy of the within action and summons with ANNA Maxe Corporate Creations Network  
In charge of the office and place of doing business of said Corporation in this County.

## TACK &amp; MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

## NON EST

☐ Diligent search made and defendant \_\_\_\_\_  
not to be found in the jurisdiction of this Court.This 24 day of JANUARY, 2023.

DEPUTY

341/02072COB CO SHERIFFS OFFICE  
JAN 24 PM 3:37  
CIVIL SECTION

https://researchga.tylerhost.net/CourtRecordsSearch/ViewCasePrint/7473e81f27c35663a22fdc9d7d4d8ae6

Case Information

OUEMBE vs NEWREZ LLC et al

23-C-00158-S4

Location	Case Category	Case Type	Case Filed Date
Gwinnett - State Court	Civil	Contract/Account	1/10/2023
Judge	Case Status		
Colvin, Ronda S.	Open (Pending)		

Parties3

Type	Name	Nickname/Alias	Attorneys
Plaintiff	JULES OUEMBE		ROMERO T PEARSON
Defendant	NEWREZ LLC	SHELLPOINT MORTGAGE SERVICING	Pro Se
Defendant	AMERICAN STRATEGIC INSURANCE CORP		Pro Se

Events5

Date	Event	Type	Comments	Documents
1/10/2023	Filing	Summons		Gwinnett State Court Summons.pdf
1/10/2023	Filing	Complaint/Petition		Complaint.pdf
1/10/2023	Filing	General Civil/Dom Relations Case Filing Form		General Civil/Dom Relations Case Filing Form.pdf
1/27/2023	Filing	Sheriff/Marshall's Service	NEWREZ, LLC	Sheriffs Entry of Service.tif
1/31/2023	Filing	Sheriff/Marshall's Service	American Strategic Insurance	3656_001.pdf

